

REMARKS

Claims 1-3, 9-14, 16-19 and 22-26 are pending with claims 1-3, 9-14, 18, 19, 22-26 standing rejected and claims 16-17 being previously withdrawn from consideration; claims 4-8, 15 and 20-21 were previously cancelled. In this paper, no claims have been amended, added or cancelled. Accordingly, upon entry of this paper, claims 1-3, 9-14, 16-19 and 22-26 will remain pending.

Regarding Independent Claim 1

Applicant first notes that the Office does not address the following limitation from independent claim 1: *“a second film layer disposed on the inboard surface of the core layer and exposed to the passenger compartment.”* The discussion centers around claimed “polymer 1” and “polymer 2” layers corresponding to layers “6” and “5” in U.S. 2004/0124668 to Ogawa et al. Applicant submits that claim 1 requires three layers: (i) a core layer (including a first polymer); (ii) a first film layer on the outboard surface of the core layer (including a second polymer); and (iii) a second film layer (disposed on the inboard surface of the core layer). As claimed, the second film layer must be exposed to the passenger compartment. Such is not the case with the art of record, taken alone or in permitted combination and is not discussed in the previous action. Applicant respectfully submits that independent claim 1 is allowable over the art of record for at least this reason.

Regarding Claim 2

The Office suggests that Sandrin teaches that PET can be deposited on another PET surface as set forth below.

3. **Regarding Claims 2**, Ogawa in view of Sandrin discloses that the PET is deposited on to the PET surface (page 347). Sandrin discloses that the aluminum is thermally evaporated on to the PET surface (abstract) which constitutes a heat formable metalized layer.

Respectfully, Applicant submits that Sandrin does not disclose or enable this claimed combination and such is not disclosed. Even Sandrin (in discussing a combination of Al with PET) admits that the relation is “only speculation.” (emphasis added).

Applicant further contends that Sandrin's "thermally evaporated aluminum" does not constitute a "heat formable layer" as required by the claims and submits that the Office is impermissibly expanding on Sandrin's disclosure while using Applicant's claim as a template. It is axiomatic that obviousness cannot be established by using the Applicants' application as a template to fit together independent pieces of prior art.¹ Accordingly, claims are not disjointed lists of elements, but present an invention that must be **considered as a whole**.² Full consideration of the above remarks is requested.

Regarding Independent Claim 9

Applicant respectfully submits that none of the art of record, taken alone or in permitted combination, discloses, teaches or suggests at least the claimed feature of a "*heat formable metalized film layer bonded...to the core layer*." (emphasis added) In view of the Office's remarks regarding dependent claim 2 as discussed above, should the Office assert that Sandrin supports a rejection of the claimed "heat formable" limitation, Applicant traverses the rejection in view of the remarks that the Applicant set forth above.

In view of the above remarks, Applicant submits that claim 9 is allowable over the cited prior art. Claims 10-15 and 25 depend directly or indirectly from claim 9 and include patentable limitations. Withdrawal of the rejection to claims 9-15 and 25 is requested; allowance of claims 9-15 and 25 is solicited.

Regarding Independent Claim 18

Claim 18 recites a "decorative layer," a "thermoformed film layer" and a "core layer heat bonded to the film layer." Applicant respectfully submits that none of the art of record, taken alone or in permitted combination, discloses, teaches or suggests at least the claimed feature of a "thermoformed film layer" and a "core layer heat bonded to the film layer." In view of the Office's remarks regarding dependent claim 2 as discussed above, should the Office assert that Sandrin supports a rejection of the claimed "thermoformed film layer" and "core layer heat bonded to the

¹ See e.g. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132; *Loctite Corp. v. Ultraseal Ltd.*; 781 F.2d 861; and *In re Fine*, 837 F.2d 1071.

² See e.g. *MPEP* 2141.02; and *Stratoflex, Inc. v. Aeroquip*, 713 F.2d 1530.

film layer" limitations, Applicant traverses the rejection for the reasons provided above. In view of the above remarks, Applicant submits that claim 18 is allowable over the cited prior art. Claims 19-23 and 26 depend directly or indirectly from claim 18 and include patentable limitations.

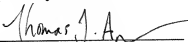
Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. 225300-104849 from which the undersigned is authorized to draw.

Dated: January 24, 2011

Respectfully submitted,

By 

Thomas J. Appledorn

Registration No.: 59,348

HONIGMAN MILLER SCHWARTZ AND
COHN LLP

38500 Woodward Avenue

Suite 100

Bloomfield Hills, Michigan 48304-5048

(248) 566-8522

Attorney/Agent For Applicant